UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 OCT -6 P 12: 02

U.S. DISTRICT COURT
DISTRICT OF MASS.

MURRAY PAVING & RECLAMATION, INC.,

Plaintiff,

v.

INGERSOLL-RAND EQUIPMENT & SERVICES
COMPANY and INGERSOLL-RAND COMPANY,

Defendants.

CIVIL ACTION No. 04-10328 GAO

RULE 16(D)(3) CERTIFICATIONS OF
DEFENDANT INGERSOLL-RAND COMPANY[1]

Defendant Ingersoll-Rand Company and its undersigned counsel hereby certify that they

have conferred and have established a budget for the cost of conducting the full course of this

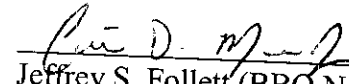litigation, including various alternative scenarios.

Ingersoll-Rand Company and counsel have also conferred in order to consider alternative

dispute resolution.

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[1] Defendant Ingersoll-Rand Equipment & Services Company ("IRESC") is not filing a Rule 16(D)(3) Certification
because it is not a legal entity and has no capacity to be sued pursuant to Federal Rules of Civil Procedure 9 and 17.
Instead, Ingersoll-Rand Company does business as IRESC to distribute various Ingersoll-Rand products.
Accordingly, in its Answer to plaintiff's Complaint, Ingersoll-Rand Company objected to plaintiff's naming of
IRESC as a defendant and any allegation by plaintiff that IRESC is a legal entity or person responsible for the
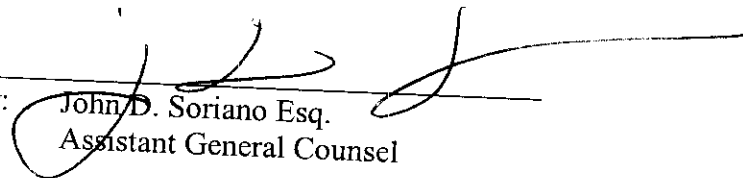alleged harm to plaintiff.

Respectfully submitted,

INGERSOLL-RAND COMPANY,

By its attorneys,

Jeffrey S. Follett (BBO No. 564337)
Carter D. Morse, Jr. (BBO No. 636645)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02110
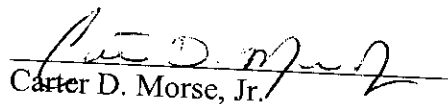(617) 832-1000

Date: October ___, 2004

INGERSOLL-RAND COMPANY

By: _____ John D. Soriano Esq.
         Assistant General Counsel

Dated: October _6_, 2004

Certificate of Service

I certify that on October _6_, 2004, I served the foregoing document on plaintiff by causing a copy of the same to be delivered by MAIL to its counsel of record: Peter F. Davis, 15 Broad Street, Suite 512, Boston, Massachusetts 02109.

Carter D. Morse, Jr.